



UNITED STATES PATENT AND TRADEMARK OFFICE

SN

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,382	12/18/2001	Akseli Anttila	04770.00030	6410

22907 7590 01/21/2005

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

EXAMINER

NGUYEN, KIM T

ART UNIT PAPER NUMBER

3713

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/017,382	ANTTILA ET AL.	
	Examiner	Art Unit	
	Kim Nguyen	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-20 and 46 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner acknowledges receipt of amendment on 1/10/05. According to the amendment, claims 1-20 and 46 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-20 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US 2002/0004424) in view of Newnam et al (US 2002/0133562).

a. As per claim 1, 4-5, 7-8, and 13, Nelson discloses a mobile terminal that is capable of receiving a task (paragraph 0062); providing two response options to a first player including sending a response to a task receiver; receiving a player input selecting an option; and performing the selected response option (paragraphs 0063-0064). Further, since Nelson discloses a wireless PDA (paragraphs 0002 and 0037) that is well known to include a processor and a transceiver for sending, receiving, and processing data, Nelson obviously discloses the processor and transceiver. Nelson does not disclose forwarding the task to a second mobile terminal. However, Nelson discloses including a task passing function (paragraphs 0063-0064). Further, Newnam suggests transmitting the task to another terminal (paragraph 0048). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to pass the task

of Nelson to a second player as suggested by Newnam in order to facilitate interaction play between the players.

b. As per claim 3, Newnam discloses allowing a user to transmit messages to specific users based on the identification of the specific users (paragraph 0031). Transmitting information to a specific player using the identification of the specific player would have been obvious in view of Newnam's teaching.

c. As per claim 6, providing a task in a form of physical task or a proof of the completed physical task as preferred by a designer's preference requires only routine skill in the art.

d. As per claim 9-11, selecting a specific second player or a specific group of players that satisfies a selection condition would have been obvious design choice.

e. As per claim 12, Nelson discloses performing steps ii-iv with a predetermined amount of time (paragraph 0077).

f. As per claim 14-15, 18-20, and 46, refer to discussion in claims 1, 12, 5, and 7-8 above.

g. As per claim 16, playing the game in a team would have been well known to a person of ordinary skill in the art at the time the invention was made.

h. As per claim 17, Nelson discloses registering the player with the game server (paragraph 0047).

Allowable Subject Matter

3. Claims 2 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record do not disclose a mobile terminal, which includes a processor and a transceiver and performs the steps recited in claim 1 and in combination with the limitations cited in claim 2. Specifically, the mobile terminal receives a player input selecting one of the two response options and displays an error message when the player attempts to perform a non-selected response option.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-8, 12-20 and 46 have been considered but are moot in view of the new ground of rejection.

A new ground of rejection has been established in this office action in view of the combined teaching of Nelson and Newnam, the indicated allowability of claims 3 and 9-11 have been withdrawn in this office action, refer to the ***35 USC § 103 rejections*** on claims 3 and 9-11 above.

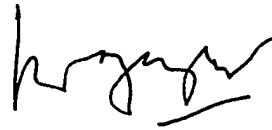
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

Art Unit: 3713

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The central official fax number for the organization where this application or proceeding is assigned is 703-872-9306.

kn

Date: January 21, 2005

A handwritten signature in black ink, appearing to read 'Kim Nguyen', with a stylized flourish at the end.

Kim Nguyen
Primary Examiner
Art Unit 3713